

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-141-T - ORDER NO. 2002-15

JANUARY 11, 2002

IN RE: Application of Jimmy Coats d/b/a Jim's) ORDER APPROVING ^{VOW}
Moving & Delivery Service, 209 Tarrant) AMENDED
Street, Greenwood, SC 29646 to Amend) CERTIFICATE
Class E Certificate of Public Convenience and)
Necessity No. 9705.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Jimmy Coats DBA Jim's Moving & Delivery Service (Coats or the Company), 209 Tarrant Street, Greenwood, SC 29646 to amend his present Class E Certificate of Public Convenience and Necessity No. 9705 which now reads as follows:

Household Goods, As Defined in R. 103-210(1):
Between points and places in Greenwood, Newberry and Abbeville Counties, SC

The Certificate, when amended, would read as follows:

Household Goods, As Defined in R. 103-210(1):
Between points and places in Greenwood, Newberry, Abbeville, Edgefield, Laurens, Greenville, Anderson, McCormick and Saluda Counties to points and places in South Carolina and from points and places in South Carolina to points and places in Greenwood, Newberry, Abbeville, Edgefield, Laurens, Greenville, Anderson, McCormick and Saluda Counties.

The Commission's Executive Director instructed Coats to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Protests were received. Petitions to Intervene were filed by Carey

Moving & Storage, Inc., Carey Moving & Storage of Greenville, Inc., Arrow Moving & Storage, Inc., and Lytle's Transfer & Storage, Inc.

A hearing on Coats' Application was commenced on November 8, 2001 at 2:30 PM in the Commission's hearing room, with the Honorable William Saunders, Chairman, presiding. Coats appeared pro se. The Intervenors did not appear at the hearing. The Commission Staff was represented by F. David Butler, General Counsel.

Coats presented testimony himself, and also presented the testimony of Warren Butler, a shipper witness. The Commission Staff presented no witnesses.

Coats testified that he already is authorized to provide services for the movement of household goods between points and places in Greenwood, Newberry and Abbeville Counties. Coats further testified that he wanted to expand his service to meet the public convenience and necessity in other rural counties in South Carolina, some of which have no movers in residence. He states that he has received calls with request for moving service from all of the additional counties that he desires to serve, plus letters from the Chamber of Commerce of Saluda and McCormick Counties. Coats also presented as a shipper witness Warren Butler of Saluda, who testified that a mover was needed to serve the rural areas that Coats seeks to serve through an amended Certificate of Public Convenience and Necessity.

Further, Coats stated that he now has two trucks to provide moving services, versus the one truck that he had when he received his first certificate. In addition, he now has two employees to provide service, versus the one that he had originally. Coats has

also presented us with an updated balance sheet, which shows that he is fit financially to provide the additional services in the additional counties.

The statutory criteria for the issuance of a Class E Certificate of Public Convenience and Necessity are found in S.C. Code Ann. Section 58-23-590(C)(Supp. 2000). The Applicant must show (1) that it is fit, willing, and able to properly perform the proposed service and comply with the provisions of the chapter and the Commission's regulations and (2) that the proposed service, to the extent authorized by the certificate or permit, is required by the present public convenience and necessity. Although Coats had already met these criteria for his original authority, which led to the issuance of the original Certificate, it was necessary for him to show that he met the same criteria for the proposed expanded authority. We hold that he satisfied the criteria. As to fit, willing, and able, he testified that he had acquired additional personnel and equipment to serve the expanded territory. With regard to the public convenience and necessity, we find his testimony and the testimony of Warren Butler to be credible on the subject of the public convenience and necessity requiring the granting of the expanded authority.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application for amended authority as requested. This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The Application of Jimmy Coats DBA Jim's Moving & Delivery Service to amend his Class E Certificate of Public Convenience and Necessity is hereby approved to grant authority to transport household goods between points and places in Greenwood, Newberry, Abbeville, Edgefield, Laurens, Greenville, Anderson, McCormick and Saluda Counties to points and places in South Carolina and from points and places in South Carolina to points and places in Greenwood, Newberry, Abbeville, Edgefield, Laurens, Greenville, Anderson, McCormick and Saluda Counties.

2. Jimmy Coats DBA Jim's Moving & Delivery Service shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to Jimmy Coats DBA Jim's Moving & Delivery Service authorizing the motor carrier services granted herein.

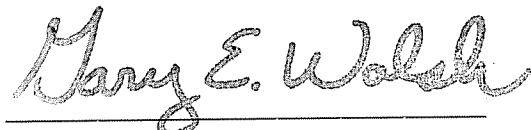
4. Prior to compliance with the above referenced requirements and receipt of a Certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)